



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,269	08/22/2003	Steven Lingafelt	9407-5	2069

7590 06/19/2007
Laura M. Kelley
Myers Bigel Sibley & Sajovec, P.A.
P.O. Box 37428
Raleigh, NC 27627

EXAMINER

SIDDIQI, MOHAMMAD A

ART UNIT	PAPER NUMBER
----------	--------------

2154

MAIL DATE	DELIVERY MODE
-----------	---------------

06/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/647,269	LINGAFELT ET AL.	
	Examiner	Art Unit	
	Mohammad A. Siddiqi	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/05/2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-23 are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 22-23 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. Steps of registration process critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). It is not clear how the registration information of unregistered device is obtained. Person of ordinary skill in the art cannot determine how unregistered device is detected and who is communication registration information.

4. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention. Communicating registration information to an unregistered device in the information technology structure renders indefinite.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by O'Toole et al. (7,024,548) (hereinafter O'Toole).

7. As per claim 1, O'Toole discloses a method of providing status information to a device attached to an information technology infrastructure utilizing a device monitoring application resident at the device, the device monitoring application utilizing signature data to monitor data associated with the device and selectively provide messages based on a correspondence

between signature data and data associated with the device (elements of fig 1), comprising:

incorporating a message signature in the signature data (digitally sign the message, col 13, lines 53-56);

monitoring (130, fig 1) data associated with the device utilizing the device monitoring application so as to detect a presence of the message signature in the monitored data (col 13, line 45 to col 14, line 24); and

providing a status message (acknowledgement message, col 14, lines 5-14) utilizing the device monitoring application if the presence of the message signature is detected in the monitored data (monitoring process transmits the change acknowledgement, col 14, lines 5-14).

8. As per claim 2, O'Toole discloses identifying an internet protocol (IP) address for one or more devices that are not registered with the information technology infrastructure (identifying that may have been hacker, col 12, line 62 to col 13, line 2).

9. As per claim 3, O'Toole discloses sending the message signature to the identified IP address (identifying that may have been hacker via change notification message, col 12, line 62 to col 13, line 14).

10. As per claim 4, O'Toole discloses the device monitoring application comprises an antivirus application (col 18, lines 1-25).

11. As per claim 5, O'Toole discloses the message signature comprises a non-virus communication (signature field, col 18, lines 1-24).

12. As per claim 6, O'Toole discloses providing a status message comprises providing a request to register the device in the information technology infrastructure (challenge request, col 18, lines 11-41).

13. As per claim 7, O'Toole discloses providing a status message comprises providing instructions to register the device in the information technology infrastructure (new configuration, col 18, lines 11-41).

14. As per claim 8, O'Toole discloses providing a status message comprises providing an emergency message (message via alternate channel, col 15, lines 24-43; col 18, lines 55-65).

15. As per claim 9, O'Toole discloses the device monitoring application comprises an intrusion detection application (identifying that may have been

hacker, col 12, line 62 to col 13, line 2).

16. As per claim 10, O'Toole discloses the device monitoring application comprises a firewall application (col 3, lines 3-20; col 19, lines 44-60).

17. As per claim 11, O'Toole discloses the monitoring data associated with the device comprises monitoring incoming data received by the device (col 14, lines 1-14).

18. As per claims 12-16 and 17-21, claims are rejected for the same reasons as claims 1-5, above.

19. Claims 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Nambu et al. (2002/0124181) (hereinafter Nambu).

20. As per claim 22, Nambu discloses a method of communicating registration information in an information technology infrastructure comprising: using antivirus software to communicate registration information to an unregistered device (activating the cellular phone anticipates new cell phone added to the network, page 5, paragraph #0099)

in the information technology infrastructure (page 5, paragraph 0097-0010).

21. As per claim 23, Nambu discloses using antivirus software to detect a message signature and to communicate registration information to the unregistered device when the message signature is detected (fig 5, page 5, paragraph 0095-0010).

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 2002/0042886

US 2003/0065793

US 2003/0200300

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A. Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on (571) 272-1915.

Application/Control Number: 10/647,269
Art Unit: 2154

Page 8

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MAS



NATHAN J. FLYNN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 21 00